

Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

### **REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

As will be explained in more detail below, the outstanding office action appears to have erroneously relied upon a “Beckmann” document (e.g., see the passage bridging pages 5-6 and page 8, line 4). It is unknown what “Beckmann” document is being relied upon, if any. Therefore, if the Examiner actually intended to rely upon a “Beckmann” reference, it is respectfully requested that the office action be reissued and that the response period be restarted with an appropriate unambiguous citation to the “Beckmann” reference upon which the Examiner may be relying.

The rejection of claims 1, 3, 5, 6, 9, 19, 21, 23, 24 and 35 under 35 U.S.C. §103 as allegedly being made “obvious” based on Carroll ‘630 in view of Fenner is respectfully traversed.

In essence, the Examiner has now admitted that Carroll is essentially irrelevant to the applicants’ claimed invention. That is, at page 3 of the office action, at lines 11-15, the Examiner has admitted that Carroll fails to teach the last seven lines of claim 1 (which comprises in total only fourteen lines including four lines of preamble). In particular, the Examiner now recognizes that Carroll fails to teach the claim 1 steps of “determining...” and “commencing...” – as well as the final “wherein...” recitations.

Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

In an attempt to supply the admitted deficiencies of Carroll, the Examiner now relies upon the publication to Fenner. However, as will be explained in more detail below, Fenner is also irrelevant – or, if relevant, then it teaches directly away from the applicants' claimed invention.

In addition, it is noted that the proposed “combination” of Carroll and Fenner is not logically suggested by any teaching or suggestion of those references. Indeed, the Examiner's only justification for finding it obvious to make such a combination is that, allegedly, one would seek to modify Carroll so as to include monitoring and transmitting data onto one or more other channels (as allegedly taught by Fenner) in order to “provide the multitasked group to which the mobile terminal, thereby improve high quality.” Given the grammar of this statement, it is virtually impossible to understand what the Examiner's rationale might be. However, as noted below in more detail, this allegation appears to be irrelevant to the issues at hand.

The Examiner argues that Fenner teaches the following steps of claim 1:

“determining from said monitoring if all of the other members have left the waiting channel; and  
commencing said action or process in the event that it is determined as a result of said monitoring that all of the other members have left the waiting channel;  
wherein said action or process to be performed comprises transmitting data onto one or more other channels.”

Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

This is incorrect. Fenner is a document relating to what was referred to in the just prior response as "traditional" operation of MSNIP. In traditional operation of MSNIP, receipt of a "hold" message is always taken as an indication that an action or process (such as "transmitting data") should be stopped. This is clear from the excerpts of Fenner cited by the Examiner. From page 2, lines 2-9 of Fenner (as cited by the Examiner), it is clearly stated that use of MSNIP "enables multicast sources to **avoid** the work of transmitting packets onto their first-hop link when there are no joined receivers."

Similarly, page 4, lines 20-26 of Fenner (as cited by the Examiner) states that, "[i]f and when the IP system notifies the application that receivers exist using the IPMulticastSourceStart call, the application may **start** transmitting data. After the application has been notified to send, if all receivers for the session leave, the IP system will notify the application using the IPMulticastSourceStop call. At this point, the application should **stop** transmitting data until it is notified again that receivers have joined through another IPMulticastSourceStart call."

With reference to claim 1, it will be understood that the relevant action or process (which is explicitly stated to comprise "transmitting data onto one or more other channels") is commenced or performed after a "hold" message is received. Preferred embodiments of the invention which make use of MSNIP messages, therefore, do so in a new manner.

Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

In particular, the type of reaction according to embodiments of the invention to receipt of such messages is, therefore, the opposite of what happens in the prior art use of MSNIP. This is, of course, an inventive concept that patentably distinguishes embodiments of the invention from the traditional operation of MSNIP.

Amendments were made in response to the first office action specifically to better distinguish the independent claims from "traditional MSNIP." The relevant definitions were amended such that they specify "...commencing an action or process," this action or process comprising "transmitting data onto one or more other channels." As a result of these recitations, it was clarified that with methods and devices according to the claimed invention, the action or process is positively performed, thus clarifying that the action or process is commenced at that point, rather than being stopped (as would be the case with normal uses of MSNIP).

In relation to claim 19, it is not clear which document the Examiner intended to refer to with reference to "Beckmann." The related reference to paragraph numbers seems to imply that the Examiner might have intended to refer to one of the 18-month patent application publications, but the paragraphs numbered 41, 42, 43 and 49 in the cited patent applications are either the paragraphs introducing what the figures show, or are otherwise irrelevant. The Examiner then goes on to state that it would have been obvious to modify the method of Carroll "...to include monitoring a multicast channel as

Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

taught by Beckmann in order to provide the multicast group to which the mobile terminal, thereby improve high quality...". See also the discussion of "Beckmann" with respect to claim 19 bridging pages 5 and 6 of the office action.

However, applicants' claims do not relate to "mobile terminals", "improving high quality" or whatever else Beckmann may teach. It appears most likely that this portion of the Examiner's comment has been mistakenly copied and pasted from an office action in respect to a completely different patent application.

Claim 19 already contains features corresponding to all of the steps of claim 1. The Examiner's comments in respect of what Fenner discloses are, therefore, again incorrect for reasons already noted above regarding claim 1.

Claim 35 relates to a method of group co-ordination using a network, wherein members of a group other than a first member join at least one network channel designated as a waiting channel while performing an action or process, and then leave the waiting channel once the action or process has been performed. It is explicitly stated in claim 35 that once those members of a group other than the first member have joined then left the waiting channel, the first member of the group then commences an action or process comprising transmitting data onto one or more channels other than said waiting channel. Claim 35 thus also comprises steps corresponding to steps of claim 1 which

Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

patentably distinguish from anything that could possibly be taught by the combination of Carroll and Fenner.

Given the fundamental deficiencies of the cited references with respect to independent claims 1, 19 and 35 as already noted above, it is not believed necessary at this time to detail additional deficiencies of this allegedly “obvious” combination of references with respect to other aspects of the rejected claims.

The rejection of claims 4, 17, 22 and 36 under 35 U.S.C. §103 as allegedly being made “obvious” based on Carroll/Fenner in view of Cofann ‘587 is also respectfully traversed.

Fundamental deficiencies of Carroll and Fenner have already been noted above with respect to parent claims. Cofann does not supply the deficiencies. Accordingly, it is not believed necessary at this time to discuss the additional deficiencies of this allegedly “obvious” combination of references.

Similarly, the rejection of claims 7, 8, 25 and 26 under 35 U.S.C. §103 as allegedly being made “obvious” based on Carroll/Fenner in view of Briscoe ‘995 is also respectfully traversed.

Once again, fundamental deficiencies of Carroll and Fenner have already been noted above with respect to parent claims. Briscoe does not supply those deficiencies.

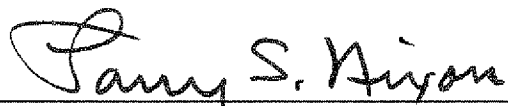
Trevor BURBRIDGE, *et al.*  
Serial No. 10/538,122  
July 18, 2008

Accordingly, it is not believed necessary at this time to discuss additional deficiencies of this allegedly "obvious" combination of references with respect to other aspects of the rejected claims.

Accordingly, this entire application is now believed to be in allowable condition, and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Larry S. Nixon  
Reg. No. 25,640

LSN:lef

901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100